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OFFICE OF PETITIONS

In re Application of
Brinkis, et al.
Application No. 10/615,134
Filed: July 8, 2003
Attorney Docket No. 502901-155
For: ELECTRONICS UNIT

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed October 17, 2003 (certificate of mailing date October 14, 2003), requesting that the above-identified application be accorded a filing date of July 8, 2003.

The application was deposited on July 8, 2003. On October 2, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the application papers deposited on July 8, 2003 because no drawing was present, as is required by 35 USC 113, and no executed oath or declaration was present.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of July 8, 2003 on the basis that 1 sheet of drawing was received in the Patent and Trademark Office (PTO) on July 8, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 8, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 1 sheet of drawing.

The return postcard constitutes *prima facie* evidence that 1 sheet of drawing was filed on July 8, 2003. MPEP 503. Accordingly, the request is granted. As petitioners state, the fact that an executed oath or declaration was omitted upon initial filing has no impact on filing date accordation. 35 USC 111 (a) (3).

Pursuant to petitioner's authorization, deposit account no. 03-2412 will be credited the \$130 petition fee submitted with the instant petition.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 8, 2003**, using the copy of the 1 sheet of drawing submitted with the instant petition. Office records will be corrected to show that 1 sheet of drawing was present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions